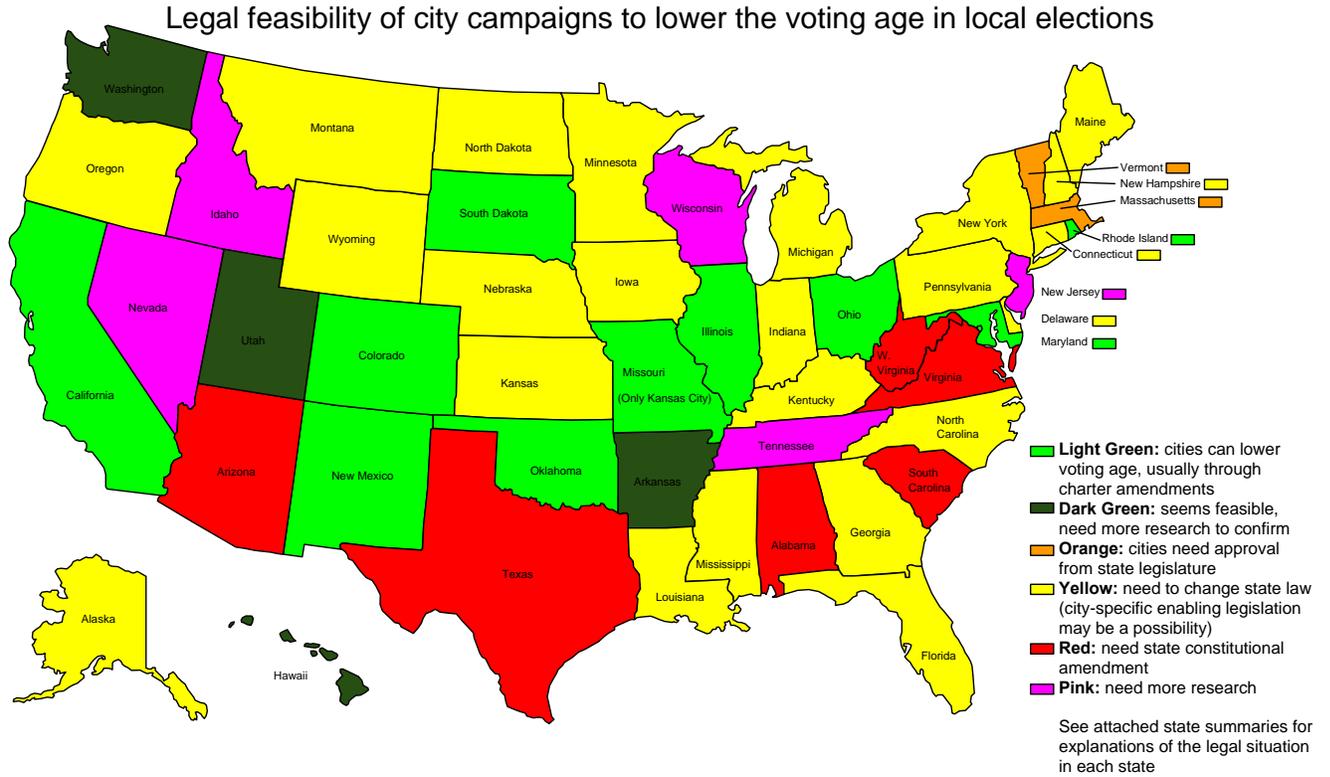


Lowering the Voting Age: A Legal Feasibility Study

This study aims to determine the legal feasibility of municipal-level campaigns to lower the voting age for local elections in each state. Cities can take action to lower their local voting age in some states, while the law prohibits this in other states.



Glossary and overview of feasibility study methods

Glossary

Constitution: Just like the U.S. Constitution is the “supreme law of the land” for the whole country, each state has its own Constitution that serves as a blueprint for the political and legal organization of the state. No state or local laws can conflict with the state Constitution.

Statute: Statutes are laws. Federal statutes apply to the whole country, while state statutes apply to one state. A compilation of all of a state’s laws is sometimes referred to as the state statutory code, or just the state code. Phrases like “election code” refer to a group of laws regulating one topic, in this case elections.



Case law: Case law is legal precedent that is established by judicial decisions in court cases. It often clarifies or interprets statutory or constitutional laws.

Home rule: Home rule refers to the degree of authority that local units of government (i.e. municipalities, cities, counties, etc.) have to exercise powers of governance within their boundaries. Each state determines how much home rule power, if any, its municipalities have. In some states, municipalities have a wide degree of authority to pass laws and govern themselves as they see fit, as long as they obey the federal and state Constitution. In others states, municipalities have virtually no home rule authority. In order for a municipality to lower its voting age, it must have the appropriate home rule power to do so.

Method for determining legal feasibility of lowering the voting age

Determining the legal feasibility of lowering the voting age in any given city starts with a two step process—first examining the state’s voting age provisions, and then its home rule laws. Although we are interested in individual cities, the initial analysis takes place on the state level.

Step 1: Analysis of voting age provisions

First, we must look at both the state Constitution and the state election statutes for provisions regarding the voting age. The key is to determine, in both the Constitution and the statute, whether the voting age requirement is phrased as a grant or a restriction. The Ohio Constitution, for example, says “Every citizen of the United States, of the age of eighteen years [...] is entitled to vote at all elections.” This phrase can be interpreted two ways: either (1) the right to vote is given *exclusively* to citizens over the age of 18, or (2) while those over 18 cannot be *denied* the right to vote, voting rights could be granted on a discretionary basis to those under 18.

To determine which of these interpretations is correct, further analysis is needed of case law in each state, although it is likely that many states do not have any case law on this subject. In the context of the 26th Amendment to the U.S. Constitution, which is also worded as a grant, at least one federal court has suggested that the more inclusive interpretation is correct, noting that the amendment “provides that the right to vote cannot be denied on the basis of age to persons age eighteen or over, but it does not prohibit the states from setting a lower voting age.”¹ However, this decision is not binding precedent over state courts.

The Ohio provision quoted above is an example of what we call a grant. The Arizona Constitution, on the other hand, gives an example of what we refer to as a restriction: “No person shall be entitled to vote at any general election [...] unless such person be a citizen of the United States of the age of eighteen years or over.” This clearly prohibits those under 18 from voting.

¹ Day v. Robinwood West Community Improvement Dist. 2010, 693 F. Supp. 2d 996. E.D. Mo.



If a state Constitution phrases the voting age as a restriction, the first step to lowering the voting age in cities in that state must be a state constitutional amendment to rephrase that provision. If a state statute phrases the voting age as a restriction, the state legislature must pass a new law to change the statute and make it more permissible of under-18 voting. Statewide or city-specific enabling legislation may also be a possible solution in this situation.

If both the state Constitution and state election statute phrase the voting age requirement as a grant, we can move on to an analysis of home rule. It is important to note, however, that the true meaning of the phrases we call grants is open for interpretation by individual state courts. If a municipality takes action to lower its voting age, this action could be challenged in court—and the state court may interpret the voting age provision as meaning that the right to vote is reserved *exclusively* to those over 18.

Step 2: Home rule analysis:

The second key to determining the legal feasibility of lowering the voting age in cities in any given state is establishing the degree of home rule, if any, municipalities are granted in that state. Home rule allows municipal flexibility in local affairs so far as is consistent with applicable state law, and it comes from the state Constitution, state statutes, or both. In some cases, a state will list exactly which subjects municipal governments can and cannot exercise control over. Other states with home rule are more vague in their descriptions of what powers local governments can exercise, leaving the issue open for interpretation. Lastly, there are instances in which municipalities can take action in a matter of local governance, but the action must be approved by the state legislature. This was the case in Massachusetts when Lowell and Cambridge tried to lower the voting age.

It may be necessary to consult with local experts to more conclusively determine the legal feasibility of a municipality lowering its voting age in some situations. Municipal actions in some areas where it seems legal may still be subject to court challenge over the interpretation of home rule statutes.

Feasible states

In these states, our research indicates that cities can take action to lower the voting age for their local elections, usually through city charter amendments. A charter amendment must be proposed by one city council member, passed by the council, and then approved by a majority of voters as a ballot issue. Citizens can also bring a petition to propose a charter amendment in many cities, but this is not practical in most jurisdictions.

CALIFORNIA

Charter cities can change their local voting ages through charter amendments.

The California Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. California gives its charter cities (nearly



every major city is a charter city) broad home rule authority. Elections are not specifically addressed, but municipalities “may make and enforce all ordinances and regulations in respect to municipal affairs” (Calif. Const. art. XI, § 5a) and case law supports the determination that elections are considered municipal affairs. This indicates that California charter cities may lower their local voting ages through city charter amendments, as San Francisco is pursuing now.

COLORADO

Charter cities can change their local voting ages through charter amendments.

The Colorado Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. The state Constitution provides a process for cities to adopt home rule charters, and gives charter cities the power to control “all matters pertaining to municipal elections” (Article 20 Sec. 6). Thus, home rule charter cities can lower the voting age for their local elections through charter amendments. All of Colorado’s major cities are home rule charter cities.

ILLINOIS

Charter cities can change their local voting ages through charter amendments.

The Illinois Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. The state Constitution states that home rule units (counties and municipalities with populations over 25,000) “may exercise any power and perform any function pertaining to [their] government and affairs” except as expressly limited, and that home rule powers “shall be construed liberally” (Article 7 Section 6). Neither the constitution nor state statutes explicitly preempt municipalities from lowering their voting ages, so it seems that municipal units in Illinois can indeed lower the voting age for their local elections, through charter amendments.

MARYLAND

Cities can lower the voting age for local elections by city council vote, except for Baltimore.

The Maryland Constitution grants the right to vote to those over 18, and does not explicitly prohibit those under 18 from voting. Further, the Maryland election code states that: “Except for the City of Baltimore, the provisions of this section do not apply to a municipal corporation in the State in which the municipal or charter elections are regulated by the public local laws of the State or the charter of the municipal corporation” (Md. Code § 2-202). This gives cities the ability to regulate their local elections, and is what allowed Takoma Park and Hyattsville to lower the voting age with just a city council vote.

MISSOURI

The city of Kansas City can lower the voting age for its local elections through either a charter amendment or a local ordinance.

The Missouri Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. The state has a specific statute that gives any city with a population over 400,000 the right to regulate its own elections ([§ 122.650.1](#)). The only such city in Missouri is Kansas City. Other charter cities “shall have all powers which the general assembly of the state of Missouri has authority to confer upon any city, provided



such powers are consistent with the constitution of this state” ([Art. 6 § 19a](#)), but it is unclear whether this provision grants authority over local elections. The existence of the statute specific to cities over 400,000 suggests it does not. Kansas City’s charter includes a provision stating that state election laws shall apply to all city elections, “except as provision is otherwise made by this Charter or ordinance” ([§ 601](#)). So, Kansas City can lower its voting age for local elections, but further research is needed to determine whether a charter amendment would be required or just an ordinance.

NEW MEXICO

Charter cities can change their local voting ages through charter amendments.

The New Mexico Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. The state Constitution provides a process for cities to adopt home rule charters, and gives charter cities very broad authority (Article 10, Section 6). Further, the election code contains a section regulating municipal elections, but states that “The provisions of the Municipal Election Code shall not apply to home rule municipalities [...] unless the Municipal Election Code is adopted by reference by such municipality” (Election Code 3-8-1-E). This indicates that the nine home rule charter cities in New Mexico can indeed lower the voting age in their local elections, through charter amendments.

OHIO

Charter cities can change their local voting ages through charter amendments, but may be especially subject to court challenge.

The Ohio Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. The state Constitution provides that “municipalities shall have authority to exercise all powers of local self-government” (Art. 18 Sec. 3). The scope of “local self-government” is not defined, and has needed to be determined by the courts.. Generally, if an issue is a matter of “general and statewide concern,” it is outside the scope of home rule. There is no way to tell whether the voting age in local elections would be a matter of “general and statewide concern” or a “power of local self-government.” It appears that a city in Ohio could attempt to change its voting age through a charter amendment, declaring that doing so is a “power of local self-government,” and would then have to defend the action if it is challenged in court.

OKLAHOMA

Charter cities can change their local voting ages through charter amendments, which need to be approved by voters and the Governor.

Oklahoma’s Constitution phrases the voting age provision as a grant, and the statute refers back to the Constitution. Regarding home rule, cities with populations greater than 2,000 are allowed to adopt home rule charters and amend them so long as they do not conflict with the state Constitution or statutes. Charter amendments must be approved by the city council, then approved by voters, then submitted to the Governor for approval ([Constitution Section 18-3\(a\)](#)). The Governor shall grant approval if the amendment “shall not be in conflict with the Constitution and laws of this State.”



RHODE ISLAND

Cities can change their local voting laws through charter amendments.

The Rhode Island Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting ([Const. Art. 2 § 1](#) and [§17-1-3](#)). The state Constitution also says that any city can amend its charter and “enact and amend local laws relating to its property, affairs and government not inconsistent with this constitution and laws enacted by the general assembly” ([Article 13, Section 2](#)). Since the voting age provisions in the Constitution and election code are phrased as grants, it can be argued that if a city were to lower its voting age, this would be “not inconsistent” with the state laws. So, cities in RI can amend their charters to allow for a lower voting age in local elections. For example, Providence’s charter calls for elections to be conducted “pursuant to applicable provisions of state election law” ([§ 202](#)), but the charter can be amended if the city council passes a resolution that is then approved by voters.

SOUTH DAKOTA

Cities and counties can lower the voting age for their local elections through charter amendments.

The South Dakota state Constitution and election code both grant the right to vote to those 18 and older, and do not specifically prohibit those under 18 from voting ([Const. Art. 7 § 2](#) and [SDCL 12-3-1](#)). Any county or city in South Dakota can adopt a charter, and “A chartered governmental unit may exercise any legislative power or perform any function not denied by its charter, the Constitution or the general laws of the state” ([Const. Art. 9 § 2](#)). A state statute lists the restrictions on power of home rule units, and this list does not include elections. Therefore, it seems that home rule units (cities or counties) in South Dakota can lower the voting age for their local elections through charter amendments. Charter amendments must be approved by voters.

Likely feasible states

The laws in these states suggest that city- or county-level campaigns to lower the voting age are feasible, but more research is needed to reach a conclusion.

ARKANSAS

Counties can likely lower the voting age for their local elections. Need verification.

Arkansas’ Constitution and statutes do not deny a city or county the ability to lower the voting age for its local elections. First class cities can exercise power related to “municipal affairs” as long as it doesn’t conflict with state law (14-43-601). However, according to an Arkansas Municipal League handbook, the Arkansas Supreme Court has continued to apply Dillon’s Law and has been strict about city legislation it upholds. County governments, however, seem to have a greater degree of power. The state Constitution gives counties the power to “exercise local legislative authority not denied by the Constitution or by law” (Const. Amendment 55). The best advocacy strategy in Arkansas is probably on the county level. A county may be able to take action to lower its voting age for county elections, but the interpretation of the voting age provision in the state Constitution may be subject to court interpretation. Further research is needed to verify a county’s authority in this area.



HAWAII

Counties can likely lower the voting age for their local elections through charter amendments. More research is needed to verify.

Hawaii's Constitution grants the right to vote to those 18 and up and does not specifically prohibit those under 18 from voting. The state statutes do not contain a provision on the voting age. Local government in Hawaii is mostly administered on the county level, and counties have broad power to self-govern via charters, as long as charter provisions don't conflict with general laws of the state. It does not appear that there are any state laws that would prohibit a county in Hawaii from lowering the voting age for its local elections, but this needs to be confirmed. If it is not possible for counties to lower their voting ages, county-specific enabling legislation may be an option.

UTAH

Cities may be able to lower the voting age for local elections, but more research is needed to verify.

The Utah Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. The Constitution also gives cities the ability to adopt charters for their local government. Cities with charters have “the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law, and no enumeration of powers in this constitution or any law shall be deemed to limit or restrict the general grant of authority hereby conferred” ([Const. Art. 11 § 5](#)). This provision seems like it may give charter cities the ability to lower the voting age, but this interpretation must be confirmed. There does not seem to be anything in the Constitution or statutes that specifically prevents a charter city from lowering its voting age, except for the inclusion of local elections in the statutory definition of “election” in the state election code ([20A-1-102](#)).

WASHINGTON

First class cities can lower the voting age for their local elections, most likely through charter amendments, but this interpretation must be confirmed.

Washington's Constitution grants the right to vote to those above 18, but does not specifically prohibit those under 18 from voting, and the state election code is silent on the matter. Further, first class cities in Washington have the power to “provide for general and special elections, for questions to be voted upon, and for the election of officers” ([35.22.280](#)), and the chapter containing that provision also has a liberal construction statute ([35.22.900](#)). Therefore, it seems that first class cities in Washington may take action to lower the voting age in their local elections, most likely through charter amendments. Is this a correct interpretation?

Cities need state legislature's approval

In Massachusetts and Vermont, cities must get the state legislature's approval in order to lower the voting age for local elections.

MASSACHUSETTS

Need state legislature's approval for home rule petitions.



The Massachusetts Constitution and election code phrase the voting age requirement as a grant. Cities in Massachusetts have the ability to adopt home rule charters, but to amend a charter to lower the voting age, cities must send home rule petitions, also referred to as special act charters, to the state legislature ([Chapter 43B](#)). First, the city council must form a study committee, which recommends the home rule petition to the council. Then, if the city council votes in favor of the petition, it goes to the state legislature and is treated as a piece of legislation. If it passes the House and Senate and is signed by the Governor, the petition is returned to the city for implementation. Cities can write their petitions to make the proposal subject to approval by voters after being passed by the state legislature, but don't necessarily have to.

VERMONT

[Need state legislature's approval for charter amendments.](#)

The Vermont Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. Municipalities in Vermont do have the ability to amend their charters, but all charter amendments must be approved by the city's voters as well as the state's General Assembly ([§ 2645](#)). It is possible for a city to amend its charter through this process to lower the voting age, because the state's election code says that charter provisions shall apply over state law when they provide for election procedures different than those outlined in the state laws ([§ 2631](#)).

[Need state legislation to give cities the power to lower the voting age for local elections](#)

In these states, some aspect of state law prevents a city from taking action to lower its voting age. Legislation is needed on the state level, and it could take three different forms:

- 1) A bill to change the law that prevents cities from lowering their voting ages (usually the state voter qualification statute or home rule statute)
- 2) A bill that specifically gives all cities the ability to lower their local voting ages through city ordinances or charter amendments. This is known as statewide enabling legislation. It is likely a better strategy than the one above, since it leaves no room for interpretation and allows for a more direct argument
- 3) A bill that gives one or more specific cities the ability to lower the voting age in their cities through ordinance or charter amendment. This is known as special legislation, or can be referred to as city-specific enabling legislation.

ALASKA

[Home rule statute prevents cities from lowering local voting age.](#)

Alaska's Constitution presents the voting age requirement for voting as a grant (Art. 5 § 1), but the statute that provides voter requirements for state elections is less clear (15.05.010). A strict reading of the statute may interpret it as a grant, but the way the statute is structured makes it seem like a restriction. Further, there is a specific statute about voter qualifications for municipal elections (29.26.050). It does not mention age but refers back to the state election statute, and uses more restrictive language, lending credence to the more restrictive interpretation of the state election statute. Alaska's Constitution provides broad power to home rule cities, but a statute prohibiting home rule cities from acting to supersede specific statutes includes the municipal voter qualification statute mentioned above (29.10.200). So, for a home rule city in Alaska to lower its voting age, the statute concerning restriction of home rule powers must be changed, and the general voter qualification statute may need to be changed as well. Statewide or city-specific enabling legislation may also be an option.



CONNECTICUT

Home rule statute prevents cities from lowering local voting age.

The Connecticut Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. Additionally, Connecticut does grant home rule to its municipalities. However, the law specifically prohibits municipalities from taking action that affects “matters concerning qualification and admission of electors” (Title 7, Chapter 99, Section 7-192a). It may be possible for one or more specific cities to seek enabling legislation, but this is unclear because Connecticut’s Constitution contains a provision that limits the general assembly’s ability to enact special legislation specific to a single city (Article 10 Section 1). Statewide or city-specific enabling legislation may also be an option.

DELAWARE

Home rule statute prevents cities from lowering local voting age.

Delaware’s Constitution phrases the voting age requirement as a grant, and the statute does not mention it, so the question turns to home rule. Delaware does give its cities a degree home rule powers, but cities are specifically prohibited from amending a municipal charter to “change the qualifications of those entitled to vote at municipal elections” ([§ 835](#)). Statewide or city-specific enabling legislation may also be an option.

FLORIDA

Voter qualification statute and home rule statute prevent cities from lowering local voting age.

The Florida Constitution does not specifically prohibit those under 18 from voting, but the state’s election code reads “A person may become a registered voter *only* if that person is at least 18 years of age” (Chapter 97) (emphasis added). Florida municipalities have home rule, but cannot take action that is preempted by or in conflict with state law. The way the election code is written, it would almost certainly either preempt or conflict with a municipality’s action to lower the voting age. Thus, it appears that the law would have to be changed to allow those over 18 to vote, while not specifically denying that right to those under 18. This may still leave enough ambiguity for a legal challenge—a more certain strategy would be to also change the home rule law to specifically state that municipalities have authority over their local elections. Statewide or city-specific enabling legislation may also be an option.

GEORGIA

Voter qualification statute and home rule statute prevent cities from lowering local voting age.

Georgia’s Constitution grants the right to vote to those over 18 and does not specifically prohibit those under 18 from voting. The Georgia code contains a statute listing voter qualifications that clearly restricts those under 18 from voting (§ 21-2-216). Further, while Georgia gives its municipalities some home rule powers, the home rule law lists specific powers that are reserved for the state, including “action affecting ... the procedure for election or appointment of the members [of the municipal governing authority]” (§36-35-6). For municipalities in Georgia to lower their local voting ages, the state legislature would need to pass bills changing both the voter qualification law and the home rule law. Statewide or city-specific enabling legislation may also be an option.

INDIANA

Home rule statute prevents cities from lowering local voting age.

The Indiana Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. The state has home rule, but it is extremely



limited and specifically prohibits municipalities from conducting elections, or from regulating “conduct that is regulated by a state agency,” which would include elections (IC 38-1-3-9-7). Thus, advocacy efforts in Indiana would have to begin with changing the home rule law to allow municipalities to exercise control over local elections. Given the limited nature of the current law, this seems particularly unlikely. Statewide or city-specific enabling legislation may also be an option.

IOWA

Voter qualification statute prevents cities from lowering local voting age.

Iowa’s Constitution phrases the voting age provision as a grant, but the election code phrases it as a restriction (§ [48A.5](#)). The state Constitution has an amendment granting municipal corporations “home rule power and authority, not inconsistent with the laws of the General Assembly, to determine their local affairs and government” ([Section 38A](#)). However, the election code provides that “county commissioner of elections shall ... conduct the election pursuant to the provisions of [the state election code]” ([376.1](#)). It appears that, if the voting age statute was changed to make it a grant rather than a restriction, a city could take action to lower its voting age. While the county commissioner would still conduct elections pursuant to the state laws, a lower voting age would no longer be contrary to those laws. Statewide or city-specific enabling legislation may also be an option.

KANSAS

Voter qualification statute prevents cities from lowering local voting age.

The Kansas Constitution phrases the voting age requirement as a grant, but the election code presents it as a clear restriction. Fortunately, Kansas does have relatively broad home rule powers. If the law regarding the voting age were changed to phrase the requirement as a grant, like the state Constitution does, it appears that cities would be able to use their home rule power to lower the voting age for local elections. Statewide or city-specific enabling legislation may also be an option.

KENTUCKY

Open to interpretation, but home rule law likely prevents cities from lowering local voting age.

Kentucky’s Constitution phrases the voting age requirement as a grant. The voter qualification statute refers back to the Constitution, but in a way that may possibly be construed to restrict voting to only those above 18 ([KRS § 116.025](#)). Kentucky grants home rule via statute [82.082\(1\)](#), which says, “A city may exercise any power and perform any function within its boundaries [...] that is in furtherance of a public purpose of the city and not in conflict with a constitutional provision or statute.” Additionally, cities do not have power where there is a “comprehensive scheme of legislation on the same general subject” ([82.082\(2\)](#)). Although the state election code does not specifically address municipal elections, it is certainly arguable that it is a “comprehensive scheme of legislation on the same general subject” as municipal elections. In sum, it would be possible for a city in Kentucky to take action to lower its voting age, declaring that doing so is “in furtherance of a public purpose of the city” and that the state election code does not represent a “comprehensive scheme of legislation on the same general subject” as municipal elections. But, these declarations are subject to court challenges, and it is possible a court would reject the city’s claims, preventing it from lowering its voting age. Statewide or city-specific enabling legislation may also be an option.



LOUISIANA

Voter qualification statute prevents cities from lowering local voting age.

Louisiana's Constitution phrases the age requirement for voting as a grant, but a statute in the state's election code specifically states that "no one, under the age of eighteen years shall be permitted to vote in any election" ([Title 18 § 101](#)). If that statute were changed, local governments (parishes and municipalities) with home rule charters may be able to lower the voting age in their local elections through charter amendments, because they can exercise any power that is "necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with this constitution" ([Const. Art. 6 § 5e](#)). However, whether changing the local voting age falls under this description is subject to interpretation. In sum, advocacy in Louisiana must start with changing the statute that prohibits those under 18 from voting, and then it may be possible for local governments to take action. Statewide or city-specific enabling legislation may also be an option.

MAINE

Voter qualification statute prevents cities from lowering local voting age.

Maine's state Constitution phrases the voting age as a grant, but the state election code presents it as a restriction. Further, while Maine's Constitution provides for municipal home rule, the state election code specifically states that "The qualifications for voting in a municipal election conducted under this Title are governed solely by [the state election code's voter qualification statute, which is phrased as a restriction]" ([Title 30-A § 2501](#)). Therefore, in order for municipalities to lower their voting ages in Maine, the state election code must be changed to phrase the voter qualification provision as a grant. To eliminate ambiguity, the statute previously mentioned ([§ 2501](#)) could also be eliminated or changed to specifically state that the qualifications for voting in municipal elections are not governed by state laws. Statewide or city-specific enabling legislation may also be an option.

MICHIGAN

Voter qualification statute prevents cities from lowering local voting age. Home rule law is open to interpretation, but may also prevent cities from lowering local voting age.

The Michigan Constitution phrases the voting age as a grant, but the election code says that to vote a person must be "not less than 18 years of age," which is a restriction ([Ch. 168 Sec. 492](#)). Cities have a degree of home rule, but "No provision of any city or village charter shall conflict with or contravene the provisions of any general law of the state" ([MCL 117.36; 78.27](#)), and charter amendments must be submitted to the governor for approval. First, the voting age statute must be changed to phrase the age as a grant rather than a restriction. Even if this happens, it would be unclear whether a city could take action to lower its voting age, or if that would still conflict with or contravene the state law. To avoid this uncertainty, the home rule law would need to be changed to specifically give cities authority over elections. Statewide or city-specific enabling legislation may also be an option.

MINNESOTA

Voter qualification statute prevents cities from lowering local voting age. More research is needed on home rule.

The Minnesota state Constitution phrases the voting age requirement as a grant, but the state's election code phrases it as a restriction ([Ch. 201.014](#)). There is a state statute ([Ch. 205.02](#)) regarding the applicability of state election law to municipal elections, but further



analysis is needed to understand how this affects cities' ability to lower the voting age. Regardless, statewide or city-specific enabling legislation could be a viable option.

MISSISSIPPI

Home rule statute prevents cities from lowering local voting age.

The Mississippi Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. However, the Mississippi home rule law specifically prohibits cities from changing “the requirements, practices or procedures for municipal elections,” unless specifically authorized by another statute (Miss. Code Ann. § 21-17-5). Thus, the home rule law would have to be changed to allow municipalities to exercise home rule authority over local elections. Statewide or city-specific enabling legislation may also be an option.

MONTANA

Voter qualification statute and home rule statute prevent cities from lowering local voting age.

Montana's state Constitution phrases the voting age requirement as a grant, but the state statute phrases it as a clear restriction ([13-1-111](#)). Further, while cities in Montana can adopt charters, they are still subject to state laws concerning elections, and charters “shall not contain provisions establishing election, initiative, and referendum procedures” ([§ 7-3-708](#)). So, for a municipality in Montana to have the ability to lower its local voting age, both the state law on voter qualifications and the home rule law would need to be changed. Statewide or city-specific enabling legislation may also be an option.

NEBRASKA

Voter qualification statute prevents cities from lowering local voting age.

Nebraska's Constitution presents the age requirement for voting as a grant, but the election code defines an elector as a citizen “who is at least eighteen years of age.” Cities with populations greater than 5,000 are allowed to adopt charters. City councils can propose charter amendments, which must be approved by referendum (Const. Art. 11-4), but charters are still subject to the Constitution and state laws. Therefore, the statute defining an “elector” must be changed before cities can take action to lower their voting ages through charter amendments. Statewide or city-specific enabling legislation may also be an option.

NEW HAMPSHIRE

Home rule statute prevents cities from lowering local voting age.

New Hampshire's Constitution phrases the voting age provision as a grant, and the statute simply refers to the Constitution (Const. Art. 11 and [§ 654:1](#)). However, while New Hampshire's towns and cities have the ability to adopt charters, charters do not give towns or cities any additional powers other than to determine the organization of their local government ([§ 49-C:15](#)). Further, New Hampshire law provides for the qualifications of voters in municipal elections ([49-C:5](#)). Additionally, in 2000, voters did not approve a proposed constitutional amendment that would have given cities and towns broad home rule powers. For a New Hampshire municipality to lower its voting age for local elections, the legislature would have to pass a bill specifically giving municipalities the authority to regulate local elections. Statewide or city-specific enabling legislation may also be an option.

NEW YORK



Voter qualification statute and home rule statute prevent cities from lowering local voting age.

The New York Constitution phrases the voting age as a grant, but the state election code phrases it as a restriction. Additionally, while New York provides home rule, it is limited, and municipalities do not have control over voter registration requirements. Therefore, advocacy efforts in New York must aim to change both the state law on the election age and the state law on home rule. Statewide or city-specific enabling legislation may also be an option. This would be similar to the city-specific law that allowed New York City to extend voting rights to non-citizens for school board elections from 1969-2002, when the mayor took control of the schools.

NORTH CAROLINA

Voter qualification statute and home rule statute prevent cities from lowering local voting age.

North Carolina's state Constitution phrases the voting age requirement as a grant, but the state statute phrases it as a clear restriction (§163-55). North Carolina does not provide for home rule in its Constitution, and home rule authority has been given in a limited way through subject-specific statutes. No such statute exists concerning municipal elections, and the state election code contains sections governing municipal elections (Chapter 163 Article 24). To lower the voting age in cities in North Carolina, advocates would have to pass a bill changing the voting age statute and specifically granting municipalities the authority to regulate local elections. Statewide or city-specific enabling legislation may also be an option.

NORTH DAKOTA

Home rule statute prevents cities from lowering local voting age.

North Dakota's Constitution and election statutes grant the right to vote to those over 18 and do not specifically prohibit those under 18 from voting. But, state statutes list the powers that are given to home rule cities and counties, and both cities and counties have the power to "provide for all matters pertaining to [city or county] elections, except as to qualifications of electors" ([40-05.1-06](#) and [11-09.1-05](#)). So, for a city or county to lower the voting age in its local elections, these statutes would need to be changed. Statewide or city-specific enabling legislation may also be an option.

OREGON

Statute on state election law's applicability to local elections prevents cities from lowering local voting age.

Oregon's constitutional provision on the voting age is a bit ambiguous, but it can likely be interpreted as a grant ([Art. 2 § 2](#)). The state election code does not contain a voter qualification provision. Cities in Oregon have some degree of home rule, but the state election code states that "any primary election, general election or special election held in this state shall be conducted under the provisions of this chapter, unless specifically provided otherwise in the statute laws of this state" ([§ 254.016](#)). It seems that this provision prevents cities from enacting their own regulations related to elections, like lowering the voting age. In order to give cities in Oregon the power to lower their voting ages, either this statute or the home rule laws would need to be amended. Statewide or city-specific enabling legislation may also be an option.

PENNSYLVANIA

Home rule statute prevents cities from lowering local voting age.



The Pennsylvania Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. Pennsylvania gives its municipalities a degree of home rule, but the state law specifically prohibits municipalities from exercising home rule authority over “the registration of electors and the conduct of elections.” Advocacy efforts in Pennsylvania would need to begin with changing that state law to give municipalities more control over their local elections. Statewide or city-specific enabling legislation may also be an option.

WYOMING

Statute on state election law’s applicability to local elections prevents cities from lowering local voting age. Voter registration qualification statute may be preventive.

Wyoming’s Constitution phrases the voting age requirement as a grant, but the state election code’s provisions on qualifications to register to vote is unclear (22-3-102). Regardless, the state election code does state that “a municipal election shall be governed by laws regulating statewide elections” (22-23-101). So, for a city in Wyoming to lower its voting age, that provision would have to be changed to give cities control over the regulation of their elections, and the registration qualification statute may need to be changed as well. Statewide or city-specific enabling legislation may also be an option.

State Constitution prevents cities from lowering local voting age

In these states, an aspect of the state Constitution prevents cities from taking action to lower the voting age on the local level. Advocacy in these states would have to focus on a state constitutional amendment, which would be rather unlikely. In most states, constitutional amendments must be approved by two thirds of each House and by the state’s voters.

ALABAMA

State Constitution does not provide for any degree of home rule.

Alabama’s Constitution phrases the voting age provision as a grant, and the statute simply refers to the Constitution. However, Alabama does not give its municipalities any degree of home rule. The state legislature can pass “local acts” that apply to one municipality. Home rule would have to be provided through an amendment to the Constitution, which is unlikely. Individual cities could advocate for “local acts” allowing them to lower the voting ages, but these acts still have to be passed as constitutional amendments.

ARIZONA

State Constitution specifically prohibits voting by those under 18.

The Arizona Constitution and election code both clearly restrict voting to only those over 18 years of age. Advocacy efforts in Arizona would have to start with an amendment to the state constitution, which is rather unlikely. A majority of each House must approve the amendment, and then it must be approved by the state’s voters.

SOUTH CAROLINA

State Constitution prohibits municipalities from enacting provisions related to elections.

South Carolina’s Constitution and election statutes grant the right to vote to those over 18 and do not specifically prohibit those under 18 from voting (Const. Art. 2 § 4 and S.C. Code Ann. § [7-5-610](#)). But, while the Constitution allows municipalities to adopt home rule charters, it specifically prohibits them from enacting provisions related to “election and suffrage qualifications” (Art. 8 § 14). City-specific enabling legislation may be a possibility,



but this is unlikely due to the constitutional provision. Constitutional amendments must be approved by two-thirds of each House, and then approved by the state's voters.

TEXAS

State Constitution specifically prohibits voting by those under 18.

The Texas Constitution and election code both clearly restrict voting to only those over 18 years of age. Advocacy efforts in Texas would have to start with an amendment to the state constitution, which is rather unlikely. Two-thirds of each House must approve of the amendment, and then it must be approved by the state's voters.

VIRGINIA

State Constitution specifically prohibits voting by those under 18, and does not provide for home rule.

The Virginia Constitution phrases its voting age provision as "Each voter shall be [...] eighteen years of age" (Article 2 Section 1). This phrase clearly restricts voting to those over the age of 18, so advocacy efforts in Virginia would have to start with an amendment to the Constitution to change this provision. In addition, Virginia does not offer home rule to its municipalities, which makes lowering the voting age in cities in Virginia especially unlikely.

WEST VIRGINIA

State Constitution specifically prohibits voting by those under 18, and does not provide for home rule.

West Virginia's Constitution and election code both clearly restrict voting to only those over 18 years of age (Const. Art 4 § 1 and WV Code § 3-1-3). Advocacy efforts in West Virginia would have to start with an amendment to the state constitution, which is rather unlikely. Two-thirds of each House must approve of the amendment, and then it must be approved by the state's voters.

More research is needed

The laws in these states are unclear, and more research is needed to determine the feasibility of municipalities lowering the voting age in local elections.

IDAHO

More research is needed on home rule law.

Idaho's Constitution and election code present the voting age requirement as a grant (Const. [Art. 6 Sec. 2](#) and [§ 34-402](#)). A provision in the Constitution states that "Any county or incorporated city or town may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws" ([Const. Art. 12 Sec. 2](#)). There is nothing else in the Constitution or statutes specifically addressing concepts of home rule, and the election code does not discuss local elections, other than by defining "general election" as "national, state, or county" elections ([§ 34-101](#)). Does Art. 12 Sec. 2 may mean that cities can control their local elections, or it may be limited to more traditional police powers. More research is needed.

NEVADA



More research is needed on home rule law.

The Nevada Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. Nevada does not provide home rule through its Constitution, but it does give incorporated cities (the classification of city with the most autonomy in Nevada) certain, specifically listed powers under [NRS 268.008](#). Authority over local elections is not listed. But, the state law about city elections says that “conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect” ([NRS 293C.110](#)). This may mean that cities can lower the voting age for their local elections through charter amendments or ordinances, but the law is unclear. More research is needed.

NEW JERSEY

More research is needed on home rule law.

The New Jersey Constitution and election code grant the right to vote to those over 18, and do not explicitly prohibit those under 18 from voting. The Constitution and state statutes provide for home rule for municipalities, but it is unclear if cities have the power to lower the voting age for local elections. Control over elections is not included in a statute that lists certain powers specifically granted to cities governed by optional forms of government (akin to home rule cities) ([NJSA 40:69A-29](#)). But, another statute states this list is not exhaustive, and that powers of municipalities should be construed liberally ([NJSA 40:69A-29](#)). Thus, it seems there is a chance cities may have the ability to lower the voting age in local elections, but the law is ambiguous.

TENNESSEE

More research is needed on home rule law.

Tennessee’s Constitution presents the voting age requirement as a grant, and the state’s statutes don’t address the voting age. Home rule is unclear. Art. 11 Sec. 9 of the Constitution gives any municipality the ability to become a home rule municipality, but it doesn’t elaborate on powers granted. Title 6, Chapter 53 regulates municipal elections, but does not say whether home rule municipalities can form their own regulations regarding elections. This may be enough to determine that cities do not have the power to lower the voting age in their local elections, but there may be more to explore. Further research and analysis is needed, but it seems like municipalities in Tennessee do not have the power to lower the voting age in their local elections.

WISCONSIN

Further research is needed on home rule law.

The Constitution (Art. 3 § 1) and statute (§ [6.02](#)) both phrase the voting age requirement as a grant. The Constitution (Art. 11 § 3) gives cities power to “determine their local affairs and government, subject only to this Constitution and to such enactments of the legislature of statewide concern as with uniformity shall affect every city or every village.” It is likely that state election statutes are of “statewide concern,” especially since (§ [5.02](#)) defines “election” as “every public primary and election.” If this is true, cities may still be able to lower the voting age, since doing so may not directly conflict with the state law. On the other hand,



cities may be prohibited from doing *anything* in an area of statewide concern where there already are statewide laws.

Note: According to [this](#) document from the League of Wisconsin Municipalities (pg. 57), city councils can adopt a charter ordinance (similar to charter amendment) with a two-thirds vote of the council, and it doesn't necessarily have to go to referendum.